

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CR No.8855 of 2017(O&M)

Date of Decision:-16.12.2017

Kirpa Singh Arora.

.....Petitioner.

Versus

Shri Manmohan Singh.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Divanshu Jain, Advocate for the Petitioner (tenant).

JASWANT SINGH, J.

Petitioner (tenant) is in revision directed against the order dated 21.11.2017 passed by the Rent Controller, Amritsar whereby his application for amendment of written statement at the stage of his evidence has been dismissed.

Learned Counsel for the petitioner has argued that the facts which the petitioner (tenant) intended to bring on record by amendment of the written statement were just and necessary for deciding the controversy involved because by way of the said amendment, he only intended to explain the fact that the necessity of the respondent (landlord) is not genuine because he already has ample space with him for doing his business.

After hearing learned Counsel for the petitioner and perusing the paper book with his able assistance, this Court is of the considered view that the present petition is devoid of any merit and deserves to be dismissed.

A perusal of the impugned order would reveal that the petitioner (tenant) had moved application for amendment at the stage when he had already examined one witness and the case was fixed for cross examination of RW-2. As per the amendment sought by the petitioner, he intends to plead that in the year 2005, father of respondent-landlord, namely, Kandari Lal had purchased 100 square yards of property along with another co-sharer, out of which 88 square yards stood sold to some third party. Further, as per his averment, 12 square yards of land was sold by Kandari Lal to respondent-landlord vide sale deed dated 22.05.2013. In my view the said amendment cannot be allowed because *firstly* the landlord-respondent had himself placed on record the said sale deed of 12 square yards executed in his favor during the course of leading his evidence; *secondly*, the application for amendment has been filed at a belated stage, when the trial has already commenced and petitioner-tenant is leading his evidence; and *thirdly*, the facts which the petitioner intends to bring on record by way of amendment, were already in his knowledge.

Thus seen from any angle the present petition is devoid of any merit and same is hereby dismissed.

(JASWANT SINGH)
JUDGE

December 16, 2017
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>